

J. Taylor Hamilton

The Recogniton of the Unitas Fratrum
as an Old Episcopal Church by the
Parliament of Great Britain in 1749

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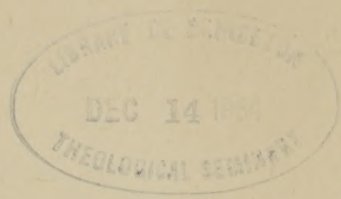
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BY

The Rt. Rev. J. Taylor Hamilton, D.D.



Reprint from
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The Recognition of the Unitas Fratrum as an Old Protestant Episcopal Church by the Parliament of Great Britain in 1749.

By BISHOP J. TAYLOR HAMILTON, D.D.

A Paper read at the Annual Meeting of the Moravian
Historical Society in 1924.

The honored President of the Moravian Historical Society, the Rev. Dr. W. N. Schwarze, some time ago asked me to put together data with regard to the important transactions which culminated in the recognition of the Unity of the Brethren by Parliament one hundred and seventy-five years ago. He very kindly aided me by pointing out the chief passages in reference to these transactions, in the Diary which in those days recorded the sayings and doings of Count Zinzendorf in his capacity of bishop and leader of our church. This diary in the years to which our research takes us back, is known as the "*Diarium der Huetten.*" It furnishes absolutely contemporaneous data, recorded from the standpoint of the Brethren and of Zinzendorf in particular. In the Archives of our church in Bethlehem there are also printed copies of many of the documents presented to the Committees of the Houses of Parliament, and at least the titles of all the documents, one hundred and thirty-five in number. Important are also the Memoirs of James Hutton, edited by Daniel Benham in 1856, for Hutton was a foremost actor in connection with the establishment of Moravian congregations in England. Light is also shed on what was done in 1749 by the so-called "*Buedingische Sammlungen.*" This is a collection of documents made under the direction of Zinzendorf and printed by his order during the years 1742 and 1745, when the center of the church's administration was in Wetteravia, territory of the Counts of Buedingen; hence the name. Very valuable for our study is also the manuscript history of the Brethren's Unity by the Rev. John Plitt, about a century ago the President of the Theological Seminary at Gnadenfeld, and after 1836 Archivist of our church at Herrnhut. A copy of this history is in the library of our Theological Seminary at Bethlehem. Last, but

not least, are the printed reports of the parliamentary debates in this connection, also to be found in our Archives.

It was the Brethren themselves who took the initiative in the steps leading up to the transactions of Parliament. Their motives in doing this lie open to us. From the very first indication of the intention of the Brethren to found a colony in Georgia, Court Chaplain Ziegenhagen, in London, a partisan of Halle, and Count Wernigerode, an avowed opponent of the Brethren in Germany, had endeavored to thwart the plan. And an influential party continued to influence the Court of George II against Zinzendorf and his co-workers. But Lieutenant General Oglethorpe, the Governor of the incipient Colony, and Vernon, Secretary to its Trustees, on examination into the affairs of the Brethren and through their personal intercourse with Spangenberg, had long ago come to think otherwise. In Georgia Oglethorpe had enjoyed opportunity enough to judge the Brethren from personal observation and acquaintance, and when he later on met Count Zinzendorf in London, an intimate friendship ripened. In 1737 Archbishop Potter of Canterbury, who had also learnt to esteem the Count, testified to the Trustees of the Colony of Georgia of his esteem for the Brethren.

Yet all this could not prevent the troubles which arose in Georgia, when war with Spain broke out and the Moravian colonists stood on the promise they believed to have been given them, that they should be free from bearing arms.

During the first visit of Zinzendorf to London, in 1737, he had organized a small society of Germans, who united for mutual edification, and when Boehler, Frederick Wenzel Neisser and Schullius were there on their way to South Carolina and Georgia in 1738, they naturally visited these Germans. As naturally John Wesley, on returning from Georgia, during the memorable voyage whither he had met the Moravians and where he had enjoyed intercourse with Spangenberg, sought the company of Peter Boehler, whom his friend Hutton introduced to him. The sequel is well known—Wesley's reaching assurance of personal salvation, his temporary association with the Moravians, Hutton's permanent association with them, the separation of the Methodists from the Moravians, the organization of the Moravian Society in the chapel in Fetter Lane, leased by them, on May 1,

after Hutton's house had become too small for their gatherings. This society was changed into a congregation, organized by Spangenberg on November 10, 1742, a license being obtained for it under the designation "Moravian Brethren, formerly of the English Communion," a designation which became one of the main reasons why the title Moravian Church was popularly affixed to us for good or evil in English speaking lands. Meantime the influence of the Brethren had been widening. There had been a great revival of religion in Yorkshire under the lead of the Rev. Benjamin Ingham, a friend of the Brethren, who desired them as his co-workers. He indeed sought to place his converts, some three thousand, in their special care. The corner stone of a clergy-house and chapel was laid at Lamb's Hill, later Fulneck, in Yorkshire, on May 12, 1746, as a center of work in the North. Brethren itinerated in Lancashire, Derbyshire, Cheshire. In and about Northampton there were warm friends. In Bedford a society was organized in 1742. Marystone House at Buttermere in Wiltshire had been another center since 1741, and John Cennick after 1745 made use of it as a strategic point. There were other centers of influence in Bristol and Kingswood and in Cornwall. Before the end of this decade Cennick had set Dublin and Ulster astir in search for assurance of salvation, he and his coadjutors preaching to thousands of hearers in cottages and in the open air. And from Ireland he had gone to Wales, where similar results attended his testimony for Christ.

Thus, although it does not seem that it had been the purpose of Zinzendorf and his co-workers to establish any permanent religious organization in Britain, Providence was leading, and the time had to come, when what had grown up through the leadings of Providence required some legally recognized status.

Meanwhile the abandonment of Moravian colonization in Georgia, when in 1740 Peter Boehler and his companions as its last remnant accompanied George Whitefield to Pennsylvania and were guided to begin in that land of liberty of conscience, what Spangenberg's previous explorations had prepared for, namely, a permanent settlement in the Forks of the Delaware, Zinzendorf's thoughts were turned with more and more urgency to the opportunities that constituted a call of God to work in these parts in various ways. The Indian Mission was begun.

Nazareth and Bethlehem emerged, and then came Zinzendorf's own visit from December, 1741, to January, 1743; there followed the Brethren's part in the Great Awakening, Spangenberg's first period of Administration, the Era of the Economy, the Organization of the Society for the Propagation of the Gospel, 1745, to promote Home and Foreign Missions—in short, the preparations for the vigorous onrush of our Church in our own land. But neither in Britain nor in her colonies were our Brethren permitted to work undisturbed. War between France and Great Britain furnished a welcome occasion for the machinations of those whose occupation was affected by the promotion of godly living—for example the liquor-sellers of the frontier, who looked askance at men whose influence deprived them of Indian customers. And war, as ever, bred suspicion of everything foreign. It was known that the French sought to rouse the Indians of the borders of Canada and of the regions west of the Alleghanies against the English and their settlements. The hasty conclusion was drawn, that the villages of converted Indians in the borderlands of Connecticut and New York were also a possible source of danger, might harbor hostiles. The Moravians with their regard for festivals of the Church Year and their liturgical services, to Puritans and to those who disliked ritual appeared to savor of Papacy. Possibly theological animosity also contributed to the rising animosity, for the Moravians disagreed with rigid Calvinism and its fixed predestinarian dogmas—and dogma counted for much at that time. Governor Clinton of New York was influenced against the Moravians. The Assembly of New York, in 1744, passed a harsh act against "Vagrant preachers, Moravians and Papists,"* and made the oath of allegiance obligatory in order that a license to preach might be obtained, under penalty of a fine of forty pounds and six months imprisonment for the first offense, with other penalties for a repetition. The missionaries Post and Zeisberger were thrown into jail for seven weeks, till Governor Thomas of Pennsylvania interposed in their behalf.

In Britain also there had been serious trouble. The last attempt of the Stuarts to recover the throne was made when Charles Edward landed in Scotland in March, 1744, and England did not

* Similar acts were known in other Colonies.

feel free from anxiety till his utter defeat at Culloden, on April 27, 1746. That was an era of annoyance for the Brethren, notwithstanding the fact that at a conference of their workers, held in Yorkshire the very month after the Pretender's landing, an address to the throne was drawn up by them, assuring of their Protestantism and of their loyalty to the House of Hanover. This address, in which they were entitled His Majesty's Protestant Subjects, the United Brethren in England in connection with the Old Protestant and Episcopal Bohemian and Moravian Church, was presented to King George II by Hutton and Ing-ham. In spite of it homes and places of worship of the Brethren in Yorkshire were searched for arms and ammunition, since it was slanderously asserted, that large chests full of these were concealed in the cellars under their chapels. The mob threatened to level the clergy-house and chapel at Fulneck to the ground. Ockershausen was arrested and taken to York Castle. In Bedford, Heckewelder and Wade were arrested. Brown was impressed for military service in Nottingham. In every case release followed. The object had been to force these preachers to do military service. In Broadoaks, Metcalf was threatened by a mob, whose loyalty was appeased when they found the Bible and a copy of the Book of Common Prayer lying side by side on his parlor table. Previous to this services had been intermitted in one of the meeting places of the Brethren in London on account of rudely hostile demonstrations. They came more and more to realize that they had no legal status as a church in Great Britain and, therefore, could not appeal to the law in protection of their worship. Licenses for their chapels had been procured in certain places from justices of the peace. But now they sought legal advice, and were told that as members of a foreign Protestant church they had no standing before the law, existed as congregations merely on sufferance, wholly dependent on His Majesty's good pleasure.

In December, 1744, Hutton had written to Zinzendorf at Marienborn, urging him to bring the Moravian cause publicly before Parliament, in view of the fact that the hostile act passed by the Colony of New York would need confirmation. He had hopes that the Privy Council would interpose a veto. He stated that the Brethren in England were themselves opposed to secur-

ing licenses as dissenters; for they claimed, that doctrinally, they were not dissenters. This letter Hutton followed up by a visit to Zinzendorf in person to urge the matter. The Synod of Marienborn, in January, 1745, decided to make an appeal to Lord Granville, at this time the Prime Minister, to the Archbishop of Canterbury and to the Board of Trade and Plantations. Documents relating to the constitution of the Brethren's Church and to the experiences made in America, together with a petition addressed to the Board of Trade and signed by the authorities of the Church, were forwarded to Martin Dober and Wenceslaus Neisser, at that time the leaders in England, for presentation. Furthermore, Abraham von Gersdorf, who had represented the Brethren's Church in negotiations with the court of Prussia, was sent to London to interview the governmental authorities of Britain. His interviews disclosed that it was not within the prerogative of the home government to rescind an Act of a Colony; but a promise was given, that the Board of Trade would recommend this very thing to New York. Though we do not read of a formal rescinding of the obnoxious Acts, it seems that they were silently buried; for a resumption of quiet activity of the Brethren was permitted. But annoyances of various sorts continued in England.

The visit of Count Zinzendorf to London in 1747 gave him opportunity to renew acquaintance with old friends, like Archbishop Potter of Canterbury, who ten years previously had expressed his hearty approval of his consecration as a Bishop of the Moravian Church, and to form new and valuable friendships. Amongst the latter were Thomas Penn, the Proprietor of Pennsylvania, and General Oglethorpe, both of whom had sufficient acquaintance with the Brethren. With these two Zinzendorf consulted as to some legal way to secure the Brethren in Britain and in British colonies from further annoyances and to obtain a recognized status for the *Unitas Fratrum*. When he himself returned to the Continent, Henry Cossart was appointed as special agent for this business.

In November of this year Cossart reported, that in the opinion of Penn and Oglethorpe a parliamentary inquiry ought to be set on foot, and that the bearings of the Pennsylvania Act of February 3, 1743, appeared to afford a good basis for such an

inquiry. According to this act foreign Protestants who like the Quakers declined from conscientious scruples to take an oath, might like them be permitted to be naturalized under certain conditions. Penn himself said that none else than the Moravians had been meant by the term "Foreign Protestants." Now, in 1740, it had been enacted by the British Parliament that all foreign Protestants after a residence of seven years, should, upon taking the Oath of Allegiance, be considered as naturalized, free of any expense. The Quakers alone being exempted from taking the oath. This act General Oglethorpe, as a member of the lower House, on April 6, 1747, on the strength of the Pennsylvania Act of 1743, moved to amend by inserting a clause in favor of the "Moravian or United Brethren," exempting them from the taking of an oath. His proposal was accepted without opposition and the act received royal sanction on June 28. Oglethorpe considered that it carried with it for the future "proof that the Moravian Church is a Protestant Church, acknowledged by Parliament, for otherwise we should not have been permitted to insert this clause in the Act." But this merely tacit acknowledgment was not sufficient for Zinzendorf. And he was doubtless right. He desired an open and thorough public investigation.

Synods in Herrnhag and Zeist, in September and October, 1748, again busied themselves with the matter of an investigation by Parliament, and five men were appointed deputies of the Church to petition for this. They were Barons Abraham von Gersdorf, Louis von Schrautenbach, and Charles von Schachmann; and David Nitschmann, the Syndic, and Henry Cossart. With Zinzendorf they sailed from Holland on December 31, and reaching Harwich next day were in London on January 4, and took up their residence in a house in Bloomsbury, which Zinzendorf had leased for three years. He had also similarly acquired a country-home at Ingatestone Hall, some twenty miles from London, deeming it wise to live in a style appropriate to his rank while these negotiations were in progress.

The deputies of the Brethren had scarcely set foot in London when the hand of their opponents was disclosed. The public papers contained a reprint of an edict expelling the Brethren from the Kingdom of Hanover—a rather curious proclamation

in view of the fact that Hanover contained no Brethren to expel. It was manifestly intended to bring discredit upon them in England. But the publication of this Hanoverian edict proved a false move on the part of the Court party, the opponents of the Brethren. They thus overshot their mark, for the edict won for the Brethren friends from among the opposition. Zinzendorf consulted Oglethorpe and Chevalier de Schaub, a friend made by him long ago during his youthful visit to Paris. The latter undertook to make representations to the Prime Minister of Hanover. But he had been so completely biased by the writings of Zinzendorf's enemies, that he stubbornly declined to listen to any other information on the subject from any other source whatever. Cossart also now came with very discouraging news. The Bishop of Lincoln doubted whether the Brethren were the successors of the Old Brethren's Unity. The Bishop of London, Sherlocke, would oppose the petition for religious toleration. It looked as if the Act of 1747 had been passed only with the passive consent of many, and that the Bench of Bishops would be hostile, when it came to applying its terms. The advice of the English friends was to obtain a thorough investigation by Parliament through a petition for something definite. And the fact that the "Irene," which had come from Holland, lay in the Thames with one hundred and fifty Moravian colonists bound for Pennsylvania, suggested the form which the petition should take—namely, a request for exemption from legal oaths and from the bearing of arms in favor of colonists of the Brethren's Church in America. This might lead to a request for the same privileges for Brethren in Britain. At any rate the petition would bring on an investigation of the entire status of the Brethren's Church.

Count Zinzendorf was himself opposed to securing an investigation by any such circuitous way. But he yielded to the representations that Parliament would busy itself only with something concrete, and he at length specially empowered the five deputies to prepare such a petition. In discharging their task it would appear they availed themselves of frequent consultations with General Oglethorpe and with Thomas Penn, and that their purpose was early communicated to the Speaker of the House and to Lord Halifax. Whether already at this stage they secured

the services of Mr. Counsellor White, who later became their legal adviser in connection with the parliamentary negotiations, is not clear, though very probable. At any rate a petition was drawn up, and on February 20, at noon, General Oglethorpe presented it to the House of Commons, for the five Deputies, in spite of the fact that he personally had been requested by the Bishop of Lincoln, at the instigation of persons high in office, to have nothing to do in the matter.

In its title and as worded, the petition itself had reference only to the Brethren in the colonies, not to the Brethren's Church in England. It stated that they already had settlements in British territories; that they would have had many more, if they had met with proper support; that by this they did not mean financial aid, for they asked none, being well able to maintain themselves from their own resources and by their own industry; but what they required was religious liberty, and in particular exemption from taking oaths and from rendering military service, since against both many of the Brethren had scruples of conscience. They therefore asked this privilege for the ancient Protestant Church of the Brethren, which in former times had repeatedly been succored in its distress by kings and governmental authorities of Great Britain, that those of its members who have conscientious scruples about taking oaths may be permitted to affirm instead and that in regard to bearing arms in America they may be set on such a footing as is suitable to their conscience, and that in America they may have the same privileges as English subjects enjoy.

This petition General Oglethorpe now presented to the House of Commons, and moved that the House should cooperate with the Brethren in encouraging their settling in the British Colonies. Plumtree, the Treasurer, under the influence of higher personages, strongly opposed the motion in a speech which Zinzendorf characterized as a cunning abstract of all the libellous publications that had appeared against the Brethren, and closed with an amendment, that the petition should be rejected. To him in turn replied five members, the most prominent of whom were Sir Horace Walpole, Sydenham and Privy Councillor Sir William Young. With only Plumtree voting in the negative, the House decided on the appointment of a committee of forty-

one to investigate the affairs of the Brethren as brought to its notice by the petition, Oglethorpe being appointed chairman and Plumtree being also given membership in it. Amongst other names that of the later famous William Pitt appears. Its first session was held on March 6.

The intervening fortnight was a busy one for Zinzendorf and the Deputies of the Brethren, especially for Von Gersdorf and Cossart. For it became known that an intrigue was on foot against the Brethren. But the Count also had friends at court, and now proceeded to counter this intrigue by making use of his connections. For instance, the Princess of Wales, the wife of Prince Frederick, became interested in the Brethren, through Esther Gruenbeck, who had been one of her playmates in childhood. Previous to this the Eskimos, brought from Greenland on the Irene, had been brought to her at her desire and she granted Cossart a private audience of a couple of hours. Indeed, from now on till the passage of the Act in May, the *Diarium der Huetten* has many notices of visits paid to and by all manner of high personages—Lord Halifax, the Archbishop of Canterbury, Prime Minister Pelham, Lord Stanhope, Lord Carlisle, the Bishop of Lincoln, Lords Sandwich, Bathurst, Sandys, the Duke of Newcastle, the Viceroy of Ireland, Lord Harrington, and the former Viceroy, the Earl of Chesterfield; Sir Thomas Robinson, Ambassador to Vienna; the Lord Chancellor, Dr. Wilson, Chaplain of the Prince of Wales, himself a son of Bishop Wilson of Sodor and Man, one of Zinzendorf's oldest friends in Britain, etc. Oglethorpe and Chevalier Schaub were in constant consultation with Zinzendorf and the Deputies. Cossart was especially indefatigable in gathering documentary evidence in support of the petition, and Counsellor White, whom the Brethren had engaged, arranged the one hundred and thirty-five papers, thus brought forward, under seventeen heads.

I suppose that of chief interest to us are the following points:

The United Brethren have settlements in North America. In all the lists showed 812 persons belonging to these settlements, counting the 150 on the Irene, lying in the Thames and about to sail. 395 were in Bethlehem and Nazareth and vicinity. It may be also worthy of note, that at a Synod held in London in January that year rather more than 2,600 are reckoned as in

connection with the Brethren in England, not counting some 560 children, visited by workers of the Brethren and a couple of hundred of Ingham's society members, "who will in time also be cared for by us." And this list makes no mention of either Ireland or Wales. In the course of the proceedings it appears that the total membership was estimated at above 20,000 persons over 14 years of age, and not reckoning those who were still in concealment in Moravia, Bohemia and other Slavonian lands.

Further, they are acknowledged as an ancient Protestant Episcopal Church, of Eastern origin, who were regarded as such in England in former times, particularly under Edward VI, Charles II, and George II, and were and are likewise so regarded in other countries by men of other churches. They have received assistance in England both in former and in recent days. As evidence of this, amongst the rest, a document was presented from Neophytus, Patriarch of Constantinople, addressed in 1740 to all Patriarchs, Metropolitans and Bishops in behalf of the Moravian Church. Further, four communications, original copies, from Bishop Daniel Ernst Jablonski, the grandson of Bishop John Amos Comenius, and himself a bishop of the Polish branch of the old Brethren's Unity, that was still existing, though he himself was court-chaplain of kings of Prussia. In these letters he explicitly recognizes the congregation at Herrnhut as a true continuation of the Bohemian Moravian branch of the *Unitas Fratrum*, of which branch, but not of the whole Unity, Comenius had been the last bishop. In 1737, Sitkovius, Bishop of the branch of the Unity in Poland and Lithuania, with seat at Lissa, had similarly recognized the succession. In one of his letters Jablonski writes, that when about twelve years previously, that is in 1718 or 1719, some hostile persons in England had denied that the old *Unitas Fratrum* possessed the true episcopal succession, an investigation had been ordered by Dr. Wm. Wake, Archbishop of Canterbury, and he, Jablonski, had at that time satisfied him as to the legitimacy of this episcopate. Testimonials of Luther, Bucer, Calvin and Musculus as to this old church were also produced. A sermon was advanced, preached in 1715 in London by Dr. Bennet, a divine whose knowledge of ecclesiastical history was admitted, in which he considered the episcopacy of the Polish branch of the *Unitas Fratrum* and emphatically

asserted its canonicity. The book of Chancellor Pfaff, of the University of Tuebingen, *De Successione Episcopali*, was also referred to in this connection. In the days of Charles II the bounty of the Church of England had been extended to the Unity in Poland, because it was a Protestant Episcopal Church; and this bounty had saved it from ruin. For the same reason King George and his Privy Council in 1715 had ordered collections to be taken in the churches of England for its relief. When certain commissioners associated with Dr. Bray, most of them being Trustees of the Colony of Georgia, had asked the Archbishop of Canterbury, Dr. Potter, for his opinion about the Brethren, on March 2, 1737, he gave a favorable reply, that it was "an apostolic and episcopal church, not sustaining any doctrines repugnant to the Thirty-Nine Articles of the Church of England."

Candor compels me to state here, that in his zeal Cossart adduced as further proof of the friendly recognition of the Brethren by the Church of England in former days the fact, that King Edward VI assigned the Church of St. Augustine, in London, to the exiled Brethren under the ministry of John a Lasko, whom he styles a bishop of the Unity, and whom King Edward appointed to be one of the Commissioners for examining into ecclesiastical laws. We should throw out this piece of evidence as containing error. However, though it is erroneous in the light of modern researches into ecclesiastical history, it does not vitiate the point which it is supposed to support, for that point is sufficiently supported without it. We know that John a Lasko never was a bishop of the Brethren. He was a scion of a distinguished noble family of Poland, and was himself a nephew of the Archbishop of Gnesen, Primate of Roman Catholic Poland. Highly educated, having studied at the University of Bologna in Italy, and holding a large number of lucrative posts in the Roman Catholic Church of his own land, amongst others that of Secretary to the King, he nevertheless embraced the tenets of the Reformation and became a friend and companion of Erasmus at Basel. For the faith's sake, in 1542, he gave up the most brilliant prospects in Poland and went into exile, at first to Emden in Friesland. Thence to England in 1550, where he became a guest of Archbishop Cranmer. The ecclesiastical authorities of

England placed him at the head of a congregation of religious exiles from the continent in London, and there he served till the death of the king three years later, when Mary's accession drove him once more forth as a wanderer. Persecutions and annoyances alike from Roman Catholics and strongly confessional Lutherans—for a Lasko was Reformed in doctrine—drove him from place to place, till in 1556 he returned to his home land. So far from being a minister, much less a bishop of the Brethren's Unity, a Lasko now gave himself to the work of opposing that union of Protestants, which the Brethren had effected at Kosminek the year before, for he disliked their discipline and considered their doctrinal standpoint not sufficiently sharply defined, and in general thought that the Union of Kosminek, in furthering their influence, placed the Protestant Church of Poland too much under the domination of the *Unitas Fratrum*, which he regarded as essentially a foreign, that is, Bohemian and Moravian body.

But to return to our main theme. Having substantiated the character of the *Unitas Fratrum* as an old Protestant episcopal and orthodox church, uniting in itself adherents of the Augsburg and the Helvetic confessions of faith, other points posited among the seventeen that have interest today, are these, that it was reasonable to grant such of its adherents as had conscientious scruples exemption in America from the judicial oath and from military service. Evidence was produced to prove that when the Brethren sought permission to settle in a land, in the preliminary negotiations, they laid stress on securing such exemptions. In proof of this assertion they produced a letter of the Dean of the royal chapel and cabinet councillor of Christian VI, of Denmark, to a minister of the Brethren in 1741; the exemption from the oath granted by the States of Utrecht in Holland; and the article in the grant for Silesia and a rescript of Frederick the Great of Prussia, 1746, exempting them from bearing arms.

In connection with the request for the second exemption on behalf of such of their Brethren as had scruples about military service, the Brethren assured of their willingness to pay the sums that might be assessed on others who could not do military service on account of age or sex or other disabilities.

This mass of material, 135 documents of varied length and importance, the investigating committee of the House had before it when it met on March 6. The Moravian Deputies were present and their Archivist, Francke, and also Gambold, the future bishop, as registrar and translator. Plumtree, who had vigorously opposed in Parliament, put many questions, which Oglethorpe answered. Admiral Vernon is mentioned as taking special interest in the affair. A further session was held on the 10th. On the 25th Oglethorpe reported for the Committee in the House of Commons at considerable length. The findings of the Committee must have been favorable, for when Oglethorpe moved that leave be given to prepare a bill for encouraging the people known by the name of *Unitas Fratrum* or Moravians to settle in His Majesty's Colonies in America, there appears to have been no opposition, and the Speaker appointed Oglethorpe himself as chairman of a committee to prepare the Bill. The printing of the more important documents was also ordered. Counsellor White seems to have been employed to aid in drafting the Bill so that it might suit the Brethren. On the 28th it was presented and passed its first reading without opposition. When it was read for the second time on April 1, objection was made that the Bill contained more than its title implied. The title seemed to be limited to America, but in the text freedom from military service in Britain was also implied. Oglethorpe explained that this was necessary, for otherwise the Brethren would have to send their colonists to America from Holland and this was impolitic, if the country expected the Brethren to obtain their supplies in England. The upshot of this debate was, that the Bill itself was referred to a new committee, consisting of seventy members of the House.

The Easter holidays now intervened. On the 17th of April the second committee sat, and whilst it found the statements contained in the Bill to be correct, it suggested certain verbal amendments. Next day it was brought before the House as thus amended, and was passed for the third time, and ordered to be engrossed on parchment. Oglethorpe was appointed to take it to the House of Lords for their concurrence.

Here opposition was to be looked for, if the information received by the Brethren was correct. The Duke of Newcastle was

thought to be opposed and also several of the Bishops, on account of questions they entertained with respect to the orthodoxy of the Brethren. But work had been done in their favor without the knowledge of the Brethren, by the Bishops of Worcester and Lincoln and by the Chaplain of the Prince of Wales, a son of that Bishop of Sodor and Man who had been a friend of the Brethren. A meeting of Bishops had been called by the Archbishop of Canterbury at his residence in Kensington, and it appears that two considerations had proven of special weight. In the great majority of the American Colonies the churches were non-episcopalian. It was argued: Might not the granting of a favored position to the Moravians, who were Episcopalians, lead to advantages for the Established Church of England? Possibly the appointment of suffragan bishops might follow. Or oversight over English Episcopalian churches in the Colonies might be entrusted to Moravian bishops. Besides, even in England the coming of apostolic people like these should be regarded as the arrival of unexpected and welcome auxiliaries, for the preaching of the cross of Christ had been relegated too much to the background since the influence of Tillotson gave vogue to a sermonizing that stressed cold morality with an almost losing sight of Christ as Saviour. The spiritual poverty of the land had to be too obviously admitted, said the bishops. Therefore they agreed among themselves that they would not oppose the bill in the House of Lords.

Accordingly, when Oglethorpe brought the Bill to the Upper House, on April 21, and Lord Halifax, President of the Board of Trade, moved that it be taken up, there was general surprise, when upon the Duke of Newcastle's asking if the Bishops were content with the Bill the reply was made that they had nothing against it. But on its second reading the ministerial or court part, who had been taken by surprise, moved that the case should be referred to a committee of the whole house for renewed inquiry. On the very next day the Brethren became aware that the influence of the court-party was being exerted against them and that they must now expect serious opposition. But as noted before, the Brethren were not without their friends amongst the nobility. The Bishops of Worcester and London, for instance, won over Frederick, Prince of Wales, and he in

turn the Duke of Argyle and the Lords of the Scotch Presbyterian Church. Yet the Chancellor, Hardwyke, and the Secretary of State, Newcastle, and the Duke of Cumberland were known to be opposed, so that friendly Lord Halifax feared the cause was lost for the Brethren.

Finally, after various postponements effected by opponents, the third reading came up in the House of Lords, sitting as Committee of the Whole, with the Earl of Warwick in the chair, on May 7. It must have been an interesting debate. The Lord Chancellor, Hardwyke, opened with an attack on the Bill. He admitted that the facts it cited were true, and had nothing to say as to the Protestantism and Episcopacy of the Brethren. The inquiry made by the Committee of the Commons had been thorough and careful. But he objected strenuously that the provisions of the Act, as it now stood, would extend to the Brethren in Britain as well as in America, and that if freedom from bearing arms were granted to the Brethren, it would be hurtful to the realm, for in time of war dissenters, especially Methodists, would flock into their church to escape military duty. Further the apparent power of jurisdiction granted to Zinzendorf in ecclesiastical affairs, though a foreigner, viz., that he should have power to enjoin bishops and ministers of the Brethren to issue certificates of membership to persons, which certificates in turn must be accepted at law as proofs of membership, was contrary to English law, for not even bishops of the Established Church had power to issue such certificates. However, quite a number of Lords, secular and ecclesiastical, opposed the Chancellor and spoke in favor of the Brethren, advocating the acceptance of the Bill. Lord Granville pointed out that the exemption of the Quakers from bearing arms had done no detriment to the realm, and that the very affirmation of the Brethren in the form they suggested, being made as in the presence of God in whom they believed, was more solemn than many an oath taken in the customary way. Sandys said that the certificates referred to in the Bill were quite a different matter from affairs of jurisdiction to which the Chancellor had referred; that similar certificates were known in England. Newcastle on the other hand expressed his hesitation in connection with a people too scrupulous to defend a land to which they came as dwellers; but

Argyle replied that he had no doubt but that those of the Brethren who had no scruples with regard to military service would take care to defend the weaker in case of necessity. The Bishop of Worcester testified to the antiquity of the Brethren's Church, to the good repute of these people, and their usefulness in a land where good morals were neglected. He asserted that neither of the exemptions asked for were doctrinal tenets with the Brethren. Not all their members had such scruples. These scruples might be dropped easily in the course of time, and quite forgotten. In the meantime Newcastle conferred with Oglethorpe and then announced that he would not oppose consent to the Bill. But the Chancellor's objections were not removed, and he succeeded in securing an adjournment to the 12th.

When on that day final debate came on, it was found that Lord Halifax had removed the chief objection of the Chancellor, with regard to the certificates of membership, which bishops or ministers of the Brethren should issue, by inserting a clause requiring also the verbal declaration of the man himself, who asked exemption, as to his actual membership in the Brethren's Church, which would give a magistrate opportunity to question him and also investigate the facts in connection with his alleged membership, and would also carry with it the same penalty as that for perjury, in case of his making false statements. But Halifax himself now spoke against the Bill, putting forward very forcefully all the arguments of its opponents—much to the surprise of all present, especially of the Bishop of London, who by his changes of countenance and by his restlessness was evidently impatient to spring up and reply. Then came the second surprise. Halifax himself took up the objections he had advanced seriatim and refuted them one by one so thoroughly that there was nothing more to be said. The Bishop of Worcester added: "The United Brethren gladly consent to the amendment of the Lord Chancellor and its insertion in the Act. It will be an edification to myself and the whole Episcopal Bench, and all true Protestants of England, if the British nation expresses itself in favor of the Brethren, for whatever benefit England confers upon this ancient confessor-church, must be an encouragement to all evangelical Christians throughout the world, to expect nothing but good from this country." At these words, "Con-

tent" was cried out all over the House. That is, apart from certain verbal and minor amendments, the Lords expressed their concurrence with the Commons. On May 19 the House of Commons approved of these amendments, made by the Lords, and in their turn gave their assent to the Bill as it was now framed.

At last, on June 6, Parliament was notified that the Act had received the King's signature, and so became law of the realm. It was to go into effect on June 24.

Now from all the foregoing it is clear that the chief importance of the Act lay in Parliament's thus acknowledging the *Unitas Fratrum* to be an old Protestant Episcopal Church and in its recognizing that the resuscitated Brethren's Church as organically connected with the Church of John Amos Comenius, this recognition giving the Brethren legal status as an ecclesiastical body in harmony with the Protestant Episcopal Church established by law in Great Britain. So its members were protected from future annoyances, at least from such attempted under alleged legal form, by those who sought to attach to them the opprobrium of being unrecognized dissenters or Roman Catholics. The main importance of the Act did not lie in its securing the two exemptions contained in the body of the bill. This is plain from recorded sayings of Zinzendorf during the period when the transactions of Parliament took place, from the wording of the Act itself, and also from the effect of the passage of the Act in the prestige which was thus gained by the Brethren in England. The Diary of Zinzendorf (*Diarium der Huetten*) on Ferbruary 20, the day when the petition was presented to the House and the Committee of investigation appointed, records his saying that he has thus already attained his purpose, for what he specially desired was an investigation of the Church and its operations. On March 11 it records him as again declaring in an address: "People now think that freedom from the oath and from war are the important matters for us. This is, however, not the case. If we obtained neither, the whole of the negotiations would not be lost * * *. Least of all are we seeking eclat and special privilege."

The Bishop of Worcester was doubtless correct, when he said in the House of Lords, that neither rejection of the oath nor refusal to bear arms under all conditions constituted doctrinal

tenets of the Brethren's Church as such. Differences of opinion existed among them with regard to both points. As to the oath, we find on page 401 of *Die Buedingischen Sammlungen*, Vol. I, the statement that there are cases when one may and should take an oath with a good conscience. But it remains for each Brother to judge for himself. One can not compel such an one who conscientiously objects. It is also stated that the Moravians, meaning those who came from Moravia, the out and out ones rejected the usual form of the oath, but accepted the penalties of perjury, in case their affirmation were not true.

Similar differences of opinion also existed as to bearing arms; but the denial of the right to bear arms was not a tenet of the Church as such.

Under point 17 of the First Private Declaration of Principles of the Herrnhut Congregation, etc., *Die Buedingischen Sammlungen*, Vol. I, pages 52 and 53, under "Obedience to constituted authorities," the duty of going to war when drawn for a soldier is thus set forth. One may seek in an orderly way to escape such service; but if he must go, he dare neither desert nor run away from the fight, rather permit himself to be slain. But point 18 follows, which states, that in case of conscientious scruples one should risk property and even life rather than sin against conscience.

This understanding of the case, that the Church as such did not at this time make the refusal to take oaths or to do military service tenets binding on the membership; but that there were among the members those who had scruples as to one or the other or both, is also borne out by the language of the Act itself. It should be remembered that the wording of the Bill was drawn up by General Oglethorpe, in order to suit the Brethren themselves and that for this purpose he was in constant consultation with Zinzendorf and their other leaders and with Counsellor White, their lawyer. Note the wording of the preamble and also the difference which was made between the two exemptions by Parliament, with the Brethren agreeing to this difference. The preamble reads that "several of the said Brethren do conscientiously scruple the taking of an oath and likewise do conscientiously scruple bearing arms, or personally serving in any military company, although they are willing and ready to contribute

whatever sums of money shall be thought a reasonable compensation for such service and which shall be necessary for the defence and support of His majesty's person and government." If both had been tenets of the Church at that time, it is difficult to explain how they would have been content with the difference made in the Act itself between the two in regard to the scope of exemption. It is significant, that whereas exemption from the taking of oaths holds good for members of the Brethren's Church in Great Britain and Ireland and in the Colonies and Dominions in America, freedom from bearing arms applies only to those who reside in America. If military service had been wholly contrary to the religious tenets of the Brethren, they must as a matter of principle have stood out for exemption from bearing arms in the entire British realm, and have not contented themselves with a favored position in this respect with reference only to the American Colonies.

Plainly the main importance of the Act did not lie in the provision for exemption of members of the Brethren's Church under given circumstances from taking oaths or from bearing arms. It lay in its thus publicly fixing the legal status of the Church in British dominions, and in removing in those lands the stigma of disloyalty and of sectarianism, which enemies had sought to attach to it. The immediate effect was that the Brethren received numerous invitations from personages of prominence to form settlements in various parts of England, Scotland, Ireland, Maryland, North Carolina (Wachovia resulting here), Nova Scotia and even the land about Hudson's Bay.

How Count Zinzendorf himself regarded the matter we know from an address, delivered by him to his associates in London at a lovefeast on June 8, that is two days after Parliament had been notified of the royal approval. Nine main points of this address are noted in the *Diarium der Huetten*. They are these:

1. The Act counteracts the Hanoverian Edict, referred to above.

2. Fortunately in it the name Moravian yields to the proper designation *Unitas Fratrum*.

3. The recognition of his own position as *Advocatus Fratrum*.

4. Renewal of personal fellowship with the Bishops of the Church of England. The late Archbishop of Canterbury (Potter) had once said, that the English Church would never declare

that we were not an episcopal church, but would also never declare that we were one. This has taken place within scarcely a year of his death.

5. Relief for those who are scrupulous with regard to the taking of oaths.

6. Protection against forcible pressing into military service, especially for our ministers and for missionaries amongst the heathen.

7. The fortunate embodiment of our Church in the national church and protection against the danger of our proselytizing.

8. The safety of the documents we presented in testimony.

9. And finally the wise provision at the close of the Act, which will prevent any one else from making unjustified use of the name of our Church to cover his own proceedings.

Such were Count Zinzendorf's conceptions of the value of the Act of Parliament at the time. Whether his expectations have been justified in the event in each and every respect, may, and probably will, be answered differently. Other consequences did certainly follow, which he did not mention by anticipation in his lovefeast address. However, this much was at once gained:

The position of Zinzendorf and of his co-workers in England now became one of signal honor. London for a time became the center of the Unity's administration. The splendid establishment at Chelsea was projected, and the Brethren's Church spread rapidly in Britain. Petty annoyances grew less, even though controversies did not by any means cease. Abroad and especially in British Colonies the status of the missions was assured. Prestige followed on the Continent of Europe, and the negotiations with Saxony, which had already been promising a favorable issue, were undoubtedly influenced advantageously and hastened to a close. For in September of that same year, the Brethren were granted full liberty of conscience and worship in Saxony, in consideration of their substantial adherence to the tenets of the Confession of Augsburg. In short it was a turning point in the history of the Brethren's Church which might have preceded even larger results, had it not been for the financial distresses that followed rapid expansion, and had it not been for the impediments placed in the way of the Church's work by the wars of that same era, which, alas! were soon to break out.

THE ACT OF 1749.

AN ACT FOR ENCOURAGING THE PEOPLE KNOWN BY THE NAME OF
UNITAS FRATRUM, OR UNITED BRETHREN, TO SETTLE IN HIS
MAJESTY'S COLONIES IN AMERICA.

Whereas many of the People of the Church or Congregations called the Unitas Fratrum, or United Brethren, are settled in His Majesty's Colonies in America, and demean themselves there as a sober, quiet, and industrious People; and many others of the same Persuasion are desirous to transport themselves to, and make larger Settlements in the said Colonies at their own Expence, provided they may be indulged with a full Liberty of Conscience, and in the Exercise of the Religion they profess; and several of the said Brethren do conscientiously scruple the taking of an Oath, and likewise do conscientiously scruple bearing Arms, or personally serving in any military Capacity, although they are willing and ready to contribute whatever Sums of Money shall be thought a reasonable Compensation for such Service, and which shall be necessary for the Defence and Support of His Majesty's Person and Government. And whereas said Congregations are an ancient Protestant Episcopal Church, which has been countenanced and relieved by the Kings of England, Your Majesty's Predecessors: And whereas the Encouraging the said People to settle in America will be beneficial to the said Colonies; Therefore may it please Your Majesty, at the humble Petition of Abraham Baron of Gersdorff, Lewis Baron of Schrautenbach free Lord of Lindheim, David Nitschmann Syndic, Charles Schachmann Baron of Hermsdorff, and Henry Cossart Agent, Deputies from the said Moravian Churches, in Behalf of themselves and their United Brethren, that it may be enacted; and be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, that from and after the Twenty-fourth Day of June, One thousand seven hundred and forty-nine, every Person being a Member of the said Protestant Episcopal Church, known by the Name of Unitas Fratrum, or the United Brethren, and which Church was form-

erly settled in Moravia and Bohemia, and are now in Prussia, Poland, Silesia, Lusatia, Germany, the United Provinces, and also in His Majesty's Dominions, who shall be required upon any lawful Occasion to take an Oath, in any Case where by Law an Oath is or shall be required, shall, instead of the usual Form, be permitted to make his or Her solemn Affirmation or Declaration in these Words following:

I *A. B.* do declare in the Presence of Almighty God, the Witness of the Truth of what I say.

Which said solemn Affirmation or Declaration shall be adjudged and taken, and is hereby enacted and declared to be of the same Force and Effect, to all Intents and Purposes, in all Courts of Justice, and other Places where by Law an Oath is or shall be required within the Kingdoms of Great Britain and Ireland and also in all and every of His Majesty's Colonies and Dominions in America, as if such Person had taken an Oath in the usual Form.

And be it further enacted by the Authority aforesaid, That any Person making such solemn Affirmation or Declaration, who shall be lawfully convicted, wilfully, falsely, and corruptly, to have affirmed or declared any Matter or Thing, which, if the same had been deposed on Oath in the usual Form, would have amounted to wilful and corrupt Perjury, every such person so offending shall incur the same Pains and Penalties, as by the Law and Statutes of this Realm are enacted against Persons convicted of wilful and corrupt Perjury.

Provided, and be it enacted, That no Person being of the said Church or Congregation called the Moravian, or United Brethren, shall by virtue of this Act, be qualified to give Evidence in any Criminal Causes, or to serve on Juries; any thing contained in this Act to the contrary notwithstanding.

And be it further enacted, That every Person who is a Member of the said Church or Congregation, who shall reside in any of His Majesty's Colonies in America, who shall at any time after the said Twenty-fourth Day of June, One thousand seven hundred and forty-nine, be summoned to bear Arms, or do military Service, in any of His Majesty's said Colonies or Provinces of America, shall on his Application to the Governor or Commander in Chief of the said Colony or Province, or to such officer

or Person, by whom such Person shall have been summoned or required to serve, or be mustered, be discharged from such Personal Service; provided that such Person, so desiring to be discharged from such Personal Service, contribute and pay such Sum of Money as shall be rated, assessed, and levied, and be in such Proportion, as is usually rated, assessed, levied, and paid, by other Persons residing in the same Colony or Province, who are by reason of Age, Sex, or other Infirmary, unable to do Personal Service, and who are possessed of Estates of the same Nature as the Persons desiring such Discharge.

And to prevent any Doubt which may arise, whether any Person, pretending or claiming to be a Member of such Church or Congregation, is actually a Member thereof, be it further enacted by the Authority aforesaid, That all and every Person or Persons whatsoever, who shall, as a Member or Members of such Church or Congregation, claim the Benefit of this Act, or of any Matter or Thing herein contained, shall, at the Time when he or they make such Claim, produce a Certificate signed by some Bishop of the said Church, or by the Pastor of such Church or Congregation who shall be nearest to the Place where such Claim is made; and shall be examined concerning the Matters contained in the said Certificate, and the due Execution thereof; and such Person so affirming to the best of his Knowledge and Belief, in Manner herein before-mentioned, or proving by the Testimony of other legal Witnesses, that the said Certificate was duly executed by such Bishop or Pastor; and also affirming, that he is actually a Member of the said Church, known by the name of *Unitas Fratrum*, or *United Brethren*, shall be adjudged, deemed, and to be actually a member of the said Church or Congregation, and as such shall be entitled to the Benefit of this Act.

And be it further enacted, That any Person who shall be lawfully convicted of having wilfully, falsely, and corruptly, affirmed or declared in Manner aforesaid, that such Certificate was duly executed, or that he is a Member of such Church, when, in Fact, such Affirmation is untrue, such Person so falsely Affirming, and being duly convicted thereof, shall incur the same Pains and Penalties, as by the Law and Statutes of this Realm are enacted against Persons convicted of wilful and corrupt Perjury.

And that it may be Known whether such Bishops and Pastors, so signing such Certificates, be of the Church known by the Name of *Unitas Fratrum*, or *United Brethren*, within the Meaning of this Act, be it further enacted, That the Advocate of the said Church or Congregation of the *United Brethren* for the time being, shall lay, or cause to be laid, before the Commissioners for Trade and Plantations, in order that the same may remain in their Office, a List or Lists of all the Bishops of the said Church of the *United Brethren*, who are appointed by them to grant Certificates as aforesaid, together with their Hand-writing, and usual Seal; and that, from time to time, the said Advocate shall send to the said Commissioners for Trade and Plantations the Names, Hand-writing, and Seals of any Bishops, that shall be hereafter consecrated and appointed by them as aforesaid, and the Names of such Pastors as shall be authorized by the said Advocate or Bishops to give Certificates in any of His Majesty's Colonies in America.

And be it enacted and declared by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act; and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

FINIS.

Gaylord 

PAMPHLET BINDER

Syracuse, N. Y.

Stockton, Calif.

